

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Joseph L. Forcucci,)	
)	
Plaintiff,)	
)	
V.)	Case No. 11-1369-CV-W-JTM
)	
Michael J. Astrue,)	
)	
Defendant.)	

ORDER

Pending before the Court is plaintiff's *Motion For Award Of Attorney's Fees Pursuant To The Equal Access To Justice Act, Or Alternatively, Pursuant to 42 U. S. C. §406(b)*, filed April 6, 2012 [Doc. 19]. The Commissioner opposes plaintiff's motion and contends that, because his litigation position was substantially justified, the Court should not award attorney's fees in this case. The Commissioner also argues that even if fees were awarded in this matter, the \$8,037.06 amount requested – representing 46.5 hours of attorney time – is excessive and should be reduced.

After a careful review of the record and billings in this case, including the extensive administrative transcript, lengthy briefs, and oral argument transcript, the Court finds that the position of the Commissioner was not substantially justified inasmuch as it was based upon a negative credibility finding supported by errors of fact regarding plaintiff's medical condition and treatment. Moreover, the Court finds the claimed 46.5 hours of attorney time expended in this matter to be reasonable.

Accordingly, it is

ORDERED that plaintiff's *Motion For Award Of Attorney's Fees Pursuant To The Equal Access To Justice Act, Or Alternatively, Pursuant to 42 U. S. C. §406(b)*, filed April 6, 2012 [Doc. 19] is **GRANTED** and plaintiff is awarded \$8,037.06 in EAJA attorney's fees, as well as reimbursement of the \$350.00 filing fee.

/s/ John T. Maughmer

JOHN T. MAUGHMER
U. S. MAGISTRATE JUDGE